

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**e-WATCH, INC.,**

Plaintiff,

v.

**FLIR SYSTEMS, INC.,**

Defendant.

**Case No. 4:13-cv-638**

**Jury Demanded**

**FLIR SYSTEMS, INC.'S UNOPPOSED MOTION  
TO MODIFY THE STAY ORDER**

On August 8, 2013, the Court issued its Order (Docket No. 28) staying this action “pending the completion of the inter partes review proceeding filed on behalf of Mobotix with respect to the patents at issue.” The parties subsequently jointly filed the Status Report Dated October 4, 2013 (Docket No. 38), which stated:

In view of the possibility that the Court’s August 8, 2013 Order may preclude FLIR from asserting at least some of the grounds of invalidity of U.S. Patent No. 6,970,183 specifically alleged in FLIR’s Third Counterclaim filed on July 12, 2013 and not raised by Mobotix in PTAB Case # IPR2013-00255, FLIR is considering filing its own petition for *inter partes* review in order to assert those grounds of invalidity in the PTAB. If filed, FLIR would seek modification of the Court’s August 8, 2013 Order so that this action will be stayed until completion of the last-to-finish *inter partes* review of any of the patents-in-suit filed by either Mobotix or FLIR itself.

Even though the Patent Trial and Appeal Board (“PTAB”) has now instituted *inter partes* review of all claims of e-Watch’s U.S. Patent No. 6,970,183, FLIR has nonetheless filed its own petition for *inter partes* review (Case #IPR2014-00130) in order to assert some of the grounds of invalidity of U.S. Patent No. 6,970,183 specifically alleged in FLIR’s Third Counterclaim filed on July 12, 2013 (Docket No. 15) and not raised by Mobotix and thus not considered by the PTAB in Case # IPR2013-00255.

Accordingly, FLIR now moves for modification of the Court’s Order (Docket No. 28) so that this action will be stayed pending the completion of the *inter partes* review proceedings filed on behalf of Mobotix and/or FLIR with respect to the patents at issue.

For the Court’s convenience, an updated status chart is presented:

PATENT-IN-SUIT	PTAB CASE #	PETITIONER	STATUS
6,970,183	IPR2013-00255	Mobotix	Pending; <i>inter partes</i> review instituted
6,970,183	IPR2014-00130	FLIR	Pending; Petition filed Nov. 7, 2013
7,023,913	IPR2013-00337	Mobotix	Pending; PTAB determination whether to institute <i>inter partes</i> review due by Dec. 11, 2013
7,023,913	IPR2013-00498	Mobotix	Pending; PTAB determination whether to institute <i>inter partes</i> review due no later than Feb. 13, 2014

Plaintiff e-Watch, Inc. does not oppose this motion.

Respectfully submitted,

FLIR SYSTEMS, INC.

Dated: November 14, 2013

s/Peter C. Schechter

Peter C. Schechter (*pro hac vice*)

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2013, I electronically served the foregoing document titled **FLIR SYSTEMS, INC.'S UNOPPOSED MOTION TO MODIFY THE STAY ORDER** via ECF and email on:

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*s/Peter C. Schechter*  
Peter C. Schechter